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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,155	03/19/2004	Christopher D. Russo	81207/7114	8639
37123 7590 09/21/2007 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			EXAMINER WRIGHT, INGRID D	
			ART UNIT 2835	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/805,155	Applicant(s) RUSSO, CHRISTOPHER D.	
	Examiner Ingrid Wright	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 3/19/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>1 ATTACHMENT</u> |

DETAILED ACTION

1. In view of the Appeal Brief filed on 7/5/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

J N Hand

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al.

US 6053586 (hereinafter: "Cook").

Claim 8, Cook teaches an apparatus (e.g. a computer frame (10), Abstract) comprising: a first computer chassis (12); and wherein a shape of the first computer chassis (12) includes an empty portion (fig. 2) and a non-empty portion (fig. 2), but is silent as to an additional chassis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an additional chassis (12') as shown in the modified fig. 2 of Cook, wherein a rectangular volume (illustrated in modified fig. 2) of the joined first computer chassis (12) and second computer chassis (12') is less than twice a rectangular volume of the first computer chassis (12), in order to organize and separate interior components within the chassis (12).

Claim 12, Cook teaches further a fastener (e.g. fastener (note: attached fig. 2) capable of fastening the first computer chassis (12) to a second computer chassis (12').

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,9-11, 13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. US 6053586 in view of Kropf et al. US 6695141 B2 (hereinafter: "Kropf").

Claim 9, in regards to all the limitations of claim 8 above, Cook teaches the first computer chassis (12) and a space for receiving a second computer chassis (12'); wherein a second computer chassis (12') is capable of being joined by nesting to the first computer chassis (12); and wherein the first computer chassis (12) has a bottom surface for receiving a second computer chassis, but is silent as to a pallet layout. Kropf teaches a bottom surface (32) utilized as in a pallet layout configuration, for shipping purposes (Abstract of Kropf). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to utilize the bottom surface (32) of Kropf in the invention of Cook, in order horizontally support a second computer chassis (12') inside the first computer chassis (12), when moving the computer assembly of Cook.

Claim 10, Cook in view of Kropf, teaches wherein the joined first computer chassis (12) and a second computer chassis (12') are capable of being arranged on a single compartment of a pallet layout (32) to increase shipping density of a pallet layout (32).

Claim 11, Cook in view of Kropf, teaches a number of pre-assembled components (e.g. components illustrated on fig. 1 of Kropf) assembled in the non-empty portion of at least one of the first computer chassis (12) and a second computer chassis.

Additional: Official Notice is taken in regards to other prior art references, which teach assembled components utilized in a modular computer chassis, as Lajara et al. US 6373697 B1 teaches a plurality of assembled components utilized in a modular computer chassis.

Claim 13, Cook in view of Kropf, teaches the first computer chassis (12) is capable of being joined to a second computer chassis, further arranged in a single compartment of a pallet layout (32) to increase shipping density of the pallet layout (32), but is silent as to multiple pairs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize additional pairs of computer chassis in the invention of in order to allow different computer chassis to be transported to different locations.

Regarding the method claims 1-6, the method steps are inherently necessitated the device structure as taught by Cook & Kropf. Cook & Kropf disclosed a method comprising steps of: (a) a first and second computer chassis (12) and a second computer chassis (12') formed, wherein a shape of the first computer chassis (12) is capable of being identical to a shape of a second computer chassis and includes an empty portion (fig. 2) and a non-empty portion (fig. 2); and co-joining (e.g. fasteners, attached fig. 2 of Cook) the first and second computer chassis so that the empty portion (fig. 2) of the first computer chassis is

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capable of receiving at least a portion of the non-empty portion (fig. 2) of a second computer chassis, wherein a rectangular volume of the joined first (12) and second computer chassis (12') is capable of being less than twice a rectangular volume of the first computer chassis (12), wherein step (b) comprises the first computer chassis (12) and a second computer chassis nested in a single compartment of a pallet layout (32), further comprising a step of the joined first and second computer chassis arranged in a single compartment of a pallet layout (32) to increase shipping density of a pallet layout (32), further comprising a step of a number of pro-assembled components (e.g. components illustrated on fig. 1 of Kropf) arranged in the non-empty portion (fig. 2) of at least one of the first computer chassis (12) and a second computer chassis, further comprising a step of the first computer chassis fastened (fasteners, attached fig. 2 of Cook) to a second computer chassis, further comprising a step of multiple pairs of the joined first and second computer chassis arranged in a single compartment of a pallet layout (32) to increase shipping density of the pallet layout (32).

Regarding the method claim 15, the method steps are inherently necessitated by the device structure as taught by Cook & Kropf. Cook & Kropf disclosed a method comprising steps of (a) a first computer chassis (12) and a second computer chassis (12'), each formed into a shape wherein the shape includes an empty portion (fig. 2) and a non-empty portion (fig. 2); b) the first and second computer chassis, capable of being joined so that the empty portion (fig. 2) of the first computer chassis (12) receives at least a portion of the non-empty portion of a second computer chassis; and (c) the first computer chassis (12) and a second computer chassis are capable of being arranged in a single chassis compartment of a pallet layout (32) wherein a rectangular volume of the first and second computer chassis is less than twice a rectangular volume of the first computer chassis (12).

Response to Arguments

4. Applicant's arguments with respect to claims 1-6, 8-13 & 15, filed on 7/5/07, have been fully considered. New prior art to Kropf et al. US 6695141 B2 & Cook et al. US 6053586 are now utilized to

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meet the limitations of the instant application. Thus, arguments regarding, the prior art of the previous Office Action, are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Chen US 6738255 B2 shows the general state of the art regarding computer housing with fasteners configurations.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on (571)272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IDW

JN Gandhi
9/17/07
JAYPRAKASH GANDHI
SUPERVISORY PATENT EXAMINER

